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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,678	10/07/1999	YASUhide KOBAYASHI	450127-02261	3707

20999 7590 06/14/2002

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

10

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,678

Applicant(s)

KOBAYASHI ET AL. 

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

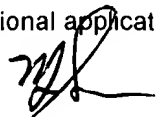
Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 18-29 and 35-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

MARK SAGER
PRIMARY EXAMINER

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the invention of Group II, claims 13-17, 30-34 and 42-46 in Paper No. 9 is acknowledged.

Claims 1-12, 18-29 and 35-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to the nonelected invention (Group I), there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-17, 33-34 and 45-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 16, 33 and 45, the acronym "ID" is indefinite for failing to particularly point out and distinctly claim the subject matter. It is to the best understanding of the Examiner that the acronym "ID" stands for identification, and shall be treated as such throughout the rest of the case.

Referring to claims 17, 34 and 46, there is insufficient antecedent basis for the limitations "the first and second memory areas" and "the flag."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 13-17, 30-34 and 42-46 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alcorn et al. (U.S. Patent No. 6,104,815; hereafter “Alcorn”). One would be motivated to use the Alcorn reference over Applicant’s invention since Alcorn refers to a software derived security program and it is well known and therefore obvious to one of ordinary skill in the art that software programs can be implemented across a wide variety of platforms.

Alcorn discloses an entertainment system comprising an entertainment apparatus (casino host server), a portable information terminal detachably (laptop—3:65-4:3) connected to the host server, wherein illegal copying prevention means for periodically (determining the time) determining whether legitimate information has been downloaded from the entertainment

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apparatus (4:9-12), and if legitimate information has not been downloaded, making ineffective at least control inputs (bets at the website) entered into the portable information terminal

Referring to claim 31, Alcorn discloses an entertainment system wherein the illegal copying prevention means comprises means for making effective again control inputs (bets) entered into the portable information terminal if legitimate information (correct time and location) has been downloaded from the entertainment apparatus after control inputs (continue betting) entered into the portable information terminal have been made ineffective.

Referring to claim 32, Alcorn discloses an entertainment system wherein the downloading monitoring means for registering the date of an instance of downloading of data (user downloads information from website to place bets), and periodic download determining means for periodically determining whether data has been downloaded.

Referring to claim 33, Alcorn discloses an entertainment system wherein preprocessing means for storing the date in a first memory area (time for legalized betting in certain locations), download detecting means for detecting whether data has been downloaded (access to the host for the casino game), ID determining means for determining whether an ID which has been downloaded is a predetermined ID (authorized user), and registering means for setting a flag indicative of the download if the downloaded ID is the predetermined ID and registering the date in a second memory area (current time for the authorized user).

Referring to claim 34, Alcorn discloses an entertainment system wherein effective/ineffective determining means for determining whether the date stored in the first and second memory areas are effective/ineffective (current time of user vs. time for legalized betting time in user's location), and making at least control inputs ineffective if the stored present data

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are ineffective (user cannot place bet at website), elapsed time determining means for determining whether a predetermined period has elapsed on the basis of the present date stored in the first and second memory areas (current time of user has surpasses the legalized betting time in user's location), and flag determining means for determining whether the flag has been set if the predetermined period has elapsed, making at least control inputs ineffective if the flag has not been set, and resetting the flag if the flag has been set (letting the user bet once the user's current time reaches the time for legalized betting time in user's location).

Claims 13-17 correspond in scope to a terminal set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

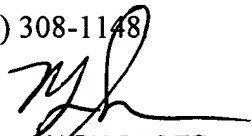
Claims 42-46 correspond in scope to a recording medium set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (703) 308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9302 for regular communications and (703) 746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148


MARK SAGER
PRIMARY EXAMINER

AJC
June 11, 2002